

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING  
DIVISION OF PROFESSIONAL REGULATION  
MECHANICAL BOARD**

**1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room**

**Cranston, RI 02920**

**Wednesday, January 6, 2016**

**9:00am**

**In attendance: Timothy Byrne**

**Dennis Brennan**

**Stanley Davies**

**Michael Januario**

**Quinlan T. Regan**

**Charles Wright**

**Board Member Robert J. Eva, Fred Foeri, Steven Gray, Jack King and Anthony Vessella were not in attendance.**

**Also in attendance were Nicholas Ranone, RIDLT Chief Mechanical Investigator and Valentino Lombardi, DLT Senior Legal Counsel.**

**1.) Call to Order: Chair, Stanley Davies called the meeting to order at 9:05am.**

**2.) Election of Mechanical Board Chairman: The election was held until after the violation appeal hearings.**

**3.) Minutes of the December 2, 2015 Meeting: Charles Wright made a motion to accept the minutes of December 2, 2015 meeting as presented; seconded by Michael Januario and passed unanimously by the Board.**

**4.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Valentino Lombardi, DLT Senior Legal Counsel, reminds board members that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest, financial or otherwise, and should recuse from hearing and voting on the matter. Legal Counsel is available for any questions.**

**5.) Violation Appeal Hearings:**

**Violation 5345 - Shane D. Daudelin, Violation 5346 – Nicholas J. Mailly and Violation 5347 – George D. King are related as they result from the same investigation.**

**Chris Capizzo, Esq. is an attorney with Allied Industrial Group who**

employed Shane D. Daudelin, Nicholas J. Mailly and George D. King. Attorney Capizzo is present on behalf of Girard Visconti, Esq. who was unable to be present. Attorney Capizzo addressed the Board that he does not represent the individuals however, does represent their employer, Allied Industrial Group, and filed the appeal to reserve their right to the appeal process. Attorney Capizzo informs the Board that Allied Industrial Group has already paid its fine of \$4,500.00 (paid October 2015) related to this incident and it is their position that Allied would request on behalf of its employees (Mr. Daudelin and Mr. King are still employed, Mr. Mailly is not) to either waive the fines because Allied promptly paid its penalty or at least reduce the fines for the employees.

Shane D. Daudelin, Nicholas J. Mailly and George D. King are not present for today's hearings.

The Board inquires if Mr. Daudelin, Mr. Mailly and Mr. King were noticed of today's hearing by the Department. Attorney Capizzo informs the Board that Attorney Visconti notified the three individuals in a letter dated 12/8/2015. Nicholas Ranone, RIDLT Chief Mechanical Investigator, confirmed that the individuals were notified by the Department.

Michael Januario made a motion to enter the letter regarding the violation appeals Girard Visconti, Esq. sent to Mr. Daudelin, Mr. Mailly and Mr. King into evidence; seconded by Charles Wright and passed

**unanimously by the Board.**

**Timothy Byrne made a motion to continue with the hearings for Violation 5345, 5346 and 5347; seconded by Charles Wright and passed unanimously by the Board.**

**Attorney Capizzo notes to the board that the letter sent by Girard Visconti indicates the date of 1/16/2016 but does believe the individuals were notified. The Board proceeded with the hearings.**

**Nicholas Ranone, RIDLT Chief Mechanical Investigator and Glenn Dusablon, RIDLT Chief Electrical Investigator are sworn in for testimony.**

**Violation 5345 (Daudelin) and Violation 5346 (Mailly) are heard together as the violations are the same. Nicholas Ranone reads the violation. Nicholas Ranone submits a packet of five (5) photographs of pictures taken during the investigation as Exhibit A. Mr. Ranone provides testimony. Chief Electrical Investigator, Glenn Dusablon, also provides testimony. Both are questioned by the Board. Attorney Capizzo reiterates that he does not represent the individuals but does represent Allied and presents questions to the investigators on behalf of Allied.**

**Shane D. Daudelin – Violation 5345: Shane D. Daudelin did not appear.**

**LOCATION OF VIOLATION: Okonite, 111 Martin St., Cumberland, RI 02864**

**VIOLATION: On 9-24-15, Mr. Glen Dusablon, Chief Electrical Investigator, and I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location and witnessed Mr. Shane D. Daudelin and Mr. Nicholas J. Mailly, two (2) employees of Allied Industrial Group, Cranston, RI, up on a hydraulic scissor lift installing stainless steel tubing used for the transfer of the product being manufactured.**

**Mr. Daudelin and Mr. Mailly do not hold any RI pipefitter's license which would allow him to do this type of work in the State of RI.**

**This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.**

**Regarding Violation 5345 Shane D. Daudelin, based testimony presented and information provided Timothy Byrne made a motion a motion that a violation of RIGL § 28-27-28 Practices for which a license is required did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Regarding the penalty for Violation 5345, Timothy Byrne made a motion that the fine of \$1,500.00 be upheld; seconded by Dennis Brennan and passed unanimously by the Board.**

**The recommendation will be forwarded to the Department.**

**Nicholas J. Mailly – Violation 5346: Nicholas J. Mailly did not appear.**

**LOCATION OF VIOLATION: Okonite, 111 Martin St, Cumberland, RI 02864**

**VIOLATION: On 9-24-15, Mr. Glen Dusablon, Chief Electrical Investigator, and I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location and witnessed Mr. Shane D. Daudelin and Mr. Nicholas J. Mailly, two (2) employees of Allied Industrial Group, Cranston, RI, up on a hydraulic scissor lift installing Stainless steel tubing used for the transfer of the product being manufactured.**

**Mr. Daudelin and Mr. Mailly do not hold any RI pipefitter's license which would allow him to do this type of work in the State of RI.**

**This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.**

**Regarding Violation 5346 Nicholas J. Mailly, based information provided today Timothy Byrne made a motion a motion that a violation of RIGL § 28-27-28 Practices for which a license is required did occur; seconded by Charles Wright and passed unanimously by**

**the Board.**

**Regarding the penalty for Violation 5346, Timothy Byrne made a motion that the fine of \$1,500.00 be upheld; seconded by Charles Wright and passed unanimously by the Board.**

**The recommendation will be forwarded to the Department.**

**George D. King – Violation 5347: George K. King did not appear. RIDLT Chief Mechanical Investigator reads the violation.**

**LOCATION OF VIOLATION: Okonite, 111 Martin St., Cumberland, RI 02864**

**VIOLATION: On 9-24-15, I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location and spoke with Mr. George D. King, an employee of Allied Industrial Group Cranston, RI. He admitted to installing the copper tubing, control valves, gauges, and interconnecting piping to numerous heat exchangers for the conveyance of liquid to cool the machines.**

**Mr. King does not hold any RI pipefitter's license which would allow him to do this type of work in the state of RI.**

**This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.**

**Nicholas Ranone submits 3 photographs taken as evidence marked Exhibit A and provides testimony. Mr. Ranone is questioned by the Board. Attorney Cappizo questioned Mr. Ranone.**

**Relative to Violation 5347 against George D. King, Charles Wright made a motion that a violation of RIGL § 28-27-28 Practices for which a license is required has occurred; seconded by Michael Januario and passed unanimously by the Board.**

**Regarding the penalty for Violation 5347 against George D. King, Charles Wright made a motion that the fine of \$1,500.00 be imposed; seconded by Michael Januario and passed unanimously by the Board.**

**The recommendation will be forwarded to the Department.**

**Attorney Christian Capizzo requests that he receive copies of the final decisions for the Allied employees.**

**Tom Mulry – Ultimate Chimney Sweep – Violation 5369: Present for the hearing are Julie Mulry and Justin Dagnese, both from Ultimate Chimney Sweep. Tom Mulry does not appear. Julie Mulry and Justin Dagnese are sworn in for testimony.**



**Timothy Byrne inquires if Tom Mulry has been notified of today's hearing as he is not present. Julie Mulry, Ultimate Chimney Sweep, confirms. Nicholas Ranone, RIDLT Chief Mechanical Investigator also confirms that Mr. Mulry was notified.**

**Timothy Byrne made a motion to continue with the violation hearing against Mr. Mulry in his absence; seconded by Charles Wright and passed unanimously by the Board.**

**Nicholas Ranone reads the violation.**

**LOCATION OF VIOLATION: Robert Krekorian, 374 Meshanticut Valley Pkwy Cranston, RI 02920**

**VIOLATION: On 10-30-15, I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location and confronted Mr. Kenneth Cyphers (DHA license # 7809) and Mr. Justin D. Dagnese, two (2) employees of Ultimate Chimney Sweep, Bellingham, MA. Mr. Dagnese was on the ground when I approached him. I asked Mr. Dagnese exactly what work did he engage in and he responded that he was just a helper and he assisted in the installation of the liners with Mr. Cyphers.**

**After climbing to the roof I approached Mr. Cyphers who was sealing the concrete top of the chimney. He admitted to me that he just installed two (2) new chimney liners and that Mr. Dagnese did in fact help with the installation. Mr. Cyphers is properly licensed to do this**

**type of work in the State of RI.**

**Mr. Dagnese does not hold a RI DHA license which would allow him to engage in this type of work. Furthermore, Ultimate Chimney Sweep is not registered with the RI Secretary of State's office, they have no Master license holder on file.**

**This is two (2) violations of RIGL 28-27-6 Corporations and firms engaged in business (paragraph 2, section b, unlicensed employees. paragraph 1, licensed master is an officer of the corporation).**

**Two (2) violations at \$1,500.00 each. Total \$3,000.00.**

**Nicholas Ranone submits a packet of five (5) pages (business card, 3 photographs and permit) into evidence, marked Exhibit A. Mr. Ranone provides testimony and is questioned by the Board.**

**Julie Mulry, Ultimate Chimney Sweep, provides testimony and is questioned by the Board.**

**The relationship between Mr. Cyphers, who obtained the permit, and Ultimate Chimney Sweep needs to be clarified. The Board inquired if Mr. Cyphers is listed on their corporate papers. Neither Ms. Mulry nor Mr. Ranone had any information.**

**Timothy Byrne made a motion to table the matter for another hearing**

**and Mr. Ranone and Ms. Mulry meet to clarify some of the questions asked so the Board can make a proper decision; seconded by Charles Wright and passed unanimously by the Board.**

**A new notice will be sent.**

**Wayne A. Jandron – Violation 5375: Rescheduled**

**Glen Grimshaw – Violation 5374: Glen Grimshaw did not appear for the hearing. RIDLT Chief Mechanical Investigator Nicholas Ranone confirms notice was sent to Mr. Grimshaw.**

**Charles Wright made a motion to proceed; seconded by Timothy Byrne. No vote was taken. A copy of the notice sent to Glen Grimshaw for today's hearing and copy of the signed delivery card are entered as evidence and marked Exhibit A.**

**Nicholas Ranone reads the violation.**

**LOCATION OF VIOLATION: Dan Leach, 38 Job St., Providence, RI 02905**

**VIOLATION: On 10-30-15, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Mr. Dan Leach against Mr. Glen Grimshaw about some heating work that Mr. Grimshaw did in**

his home at the above mentioned location. On 11-3-15, I visited Mr. Leach at his home to view the work that was done, obtain a copy of the cancelled check the was written to and deposited by Mr. Grimshaw and I also received a written witness statement stating that Mr. Leach did in fact hire Mr. Grimshaw to service his hot water boiler.

Mr. Grimshaw holds a valid RI Refrigeration Journeyman 1 license which allows him to work unrestricted on any refrigeration equipment as long as he is employed by a refrigeration contractor. He cannot advertise, contract or engage in any refrigeration work for himself. The refrigeration license he currently holds does not allowed him to work on any type of heating equipment whatsoever. Furthermore, Mr. Grimshaw is advertising on Craigs List for service and repair of boilers and furnaces which I have proof of.

Mr. Grimshaw advertised and engaged in heating work that would have required a RI Master Pipefitter license.

This is two (2) violations of RIGL 28-27-5 Practices for which master or contractor license required (advertise and engage in.)

Two (2) violations at \$1,500.00 each. Total \$3,000.00.

Nicholas Ranone submits a packet of seven (7) pages is submitted as Exhibit B.

**Chair Stanley Davies excused himself from the meeting. Tim Byrne assumed the role of Chair in his absence.**

**Nicholas Ranone provides testimony and is questioned by the Board. Mr. Ranone reads Mr. Leach's witness statement and it is entered as Exhibit C.**

**Stanley Davies resumes as Chair. The Board continues questioning Mr. Ranone.**

**Regarding Violation 5374, based on information provided today by Mr. Ranone, Timothy Byrne made a motion that two (2) violations of RIGL § 28-27-5 did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Regarding penalty for Violation 5374, Tim Byrne made a motion that the fine of \$3,000.00 be upheld; seconded by Dennis Brennan and passed unanimously by the Board.**

**The Board's recommendation will be forwarded to the Department.**

**2.) Election of Mechanical Board Chairman (Continued): Upon completion of the hearings the Board returned to Agenda Item #2.**

**Stanley Davies announces that he will be stepping down as Chairman but will remain on the Board. A new chairman will need to be elected.**

**Mr. Davies opens the nominations for Chairman. Dennis Brennan nominates Timothy Byrne; seconded by Charles Wright. There were no other nominations for Chairman. Charles Wright made a motion that the nominations be closed and one vote be cast to perfect the election of Timothy Byrne as Chairman of the RI Mechanical Board; seconded by Michael Januario. All were in favor.**

**Mr. Davies asks for nominations for Vice Chairman. Timothy Byrne nominates Charles Wright; seconded by Quinlan T. Regan. All were in favor. There were no other nominations. Timothy Byrne made a motion to close the nominations and one vote be cast for Charles Wright as Vice Chairman; seconded by Michael Januario. All were in favor.**

**Timothy Byrne, newly elected Chairman, thanks Mr. Davies for his service as Chair.**

**6.) Old Business - Review of proposed changes to Rules & Regulations and proposed licenses: Dennis Brennan inquires if there is any new proposed legislation. Chairman Byrne informs on behalf of the Board it would go through the Department. Mr. Byrne informs he has had conversation with others regarding expanding the limited**

welders license regarding iron workers. It would need to be done legislative and addressed in the rules and regulations. There is general discussion.

Charles Wright addressed the Board. Mr. Wright is working on the rules and regulations with Mr. Ranone and will bring them to the board for review and approval when they are complete. Mr. Wright informs one item they are running into issues with is the DHA license and Contractor's Registration. He hopes they will be completed in the next couple of months. Mr. Wright informs that any input from board members is appreciated.

7.) Adjournment: Motion to adjourn made by Charles Wright; seconded by Quinlan T. Regan. All were in favor. The meeting adjourned at 10:16am.